

**HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No:16252 OF 2006

Dated: 02.07.2007

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Between:

C.T. Nagaraj

..Petitioner

And

The Director General ESI Corporation
Panchdeep Bhavan Kotla Road, New Delhi,
and others.

..Respondents.

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**HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No:16252 OF 2006

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to call for the records in M.A.No.492 of 2004 in O.A.(SR) No.1735 of 2004 on the file of the Central Administrative Tribunal, dated 23.11.2004 and to quash the same.

The petitioner-applicant filed the above O.A. challenging the order dated 4.12.2000 passed by the Disciplinary Officer imposing punishment of withholding next two increments with cumulative effect, and also the order of the appellate order dated 21.5.2001, on the allegation that he made a wrong statement of fact in deposition before the Special First Class Magistrate, Hyderabad. Along with the above O.A. he filed an application in M.A.No.492 of 2004 seeking to condone the delay of 200 days in filing the O.A on the ground that he has undergone sinus operation, so that the delay has occurred and therefore, the same is not willful and wanton.

The tribunal having observed that the petitioner could not shown any sufficient reason to condone the delay, dismissed the application and consequently, the O.A. also.

Having aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner as well as the learned Counsel appearing for the respondents.

The undisputed facts are that the petitioner has challenged the orders dated 4.12.2000 as well as the appellate order dated 21.5.2001. The present O.A. has been filed in the year 2004 i.e., nearly after a period of three years. It is the case of the petitioner that the copy of appellate order has been served on him on 20.12.2002. According to the petitioner, the delay has occurred since he has undergone sinus operation.

Except making a bald statement that as he underwent sinus operation, the delay has occurred in filing the O.A., the applicant has

not shown any sufficient cause for the delay in filing the O.A. In this background of the matter, we feel that the tribunal is justified in dismissing the miscellaneous application as well as the original application at the SR stage.

Accordingly, the writ petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice G. Chandraiah

Date: 22nd June, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16252 OF 2006

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

22/06/2007